

Kennedy, Ronald

U.S. Serial No. 09/474,418

REMARKS

Claims 1-24 are pending in the present application. In the Office Action of September 11, 2002, the Examiner rejected claims 1-24 under 35 U.S.C. §103(a) as being unpatentable over a single reference, Babula et al. (USP 6,353,445).

The Examiner rejected claim 1 stating that Babula et al. teaches a remote servicing communication system for in-field product. The Examiner states that "an in-field product [figure 1, medical diagnostic systems 12] at a customer site [figure 1, medical facility 20] [column 6, lines 14-20]" thereby indicating that this element is taught by Babula et al. However, claim 1 actually calls for "an in-field product at a customer site *that is not readily capable of direct communication with the online center...*" The section cited by the Examiner refers to diagnostic system components that may be "stand-alone." Column 6, line 16 clarifies that this "stand-alone" mode means that it is "not coupled directly to a diagnostic system." Reviewing Fig. 1, along with the accompanying text at column 5, line 49 – column 6, line 13, refers to the portion of the medical diagnostic systems 12 that is not within the medical facility 20 (dash box), but nevertheless is connected for direct communication with the service facility 22 via the Net 80 and a communication module 62 "for transmitting service requests, messages, and data between system controller 60 and service facility 22." Col. 5, lns. 59-61. The difference between the systems within the dash box 20 and the system outside the dash box 20 is merely that the systems within the dash box 20 are coupled internally to a diagnostic system, or management system 70, 72 within the facility 20. However, in both cases, all of the communication modules of the medical diagnostic systems are directly

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linked to the service facility 22 via the Nct 80. Col. 6, Ins., 25-27. Accordingly, the recitation in claim 1 of "an in-field product at a customer site that is not readily capable of direct communication with the online center" clearly defines over Babula et al., wherein all of its "in-field products" are readily capable of direct communication.

Applicant also addressed these distinctions in the Background of the Invention. In particular, in the first full paragraph on page 3, Applicant describes differences between "networked" systems and "non-networked" systems. Applicant stated that "there is a need to directly connect the in-field product to the online service center to allow the field engineers to utilize current service tools in order to bridge a customer system with the online service center. Such a system would be particularly useful for systems that do not have their requisite communication software to connect to the online service center directly." Applicant goes on to state that it would therefore "be desirable to have a system and technique for the remote servicing of the in-field product that communicate with diagnostic medical systems that do not have the application software that allows for communication with the remote resources such as the online service center."

The Examiner also asserted that Babula et al. teaches "at least one portable service interface operable with the in-field product at the customer site" and refers to reference numeral 24 in Figure 1 of Babula et al. for support. The Examiner continues by asserting that Figure 1, specifically item 80, shows "a first communications link connecting the portable service interface to the on-line center" and "a second communications link connecting the portable service interface with the in-field product to

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complete a connection between the in-field product and the on-line center through the portable service interface." The Examiner does however admit that "Babula et al. does not explicitly teach an in-field product that is not readily capable of direct communication with the on-line center" but contends that the undisclosed subject matter is obvious "because it is conventional to implement such network connections as an alternative or backup connection."

Applicant respectfully disagrees with the Examiner's assertions. Applicant finds no basis for the Examiner's contention that the subject matter not taught in Babula et al. is obvious. The Examiner's statement that "it is conventional to implement such network connections as an alternative or backup connection" not only has no support but is irrelevant. Nowhere in the present application does Applicant call for alternative or backup connections, nor does Babula et al. address any such subject matter. Accordingly, Applicant respectfully requests a reference to support the Examiner's contention for what the Examiner states is "well known in the art at the time the invention was made."

Assuming arguendo that unit 24 of Babula et al. is a portable service interface, unit 24 does not show first and second communications links as claimed. Claim 1 calls for a first communications link connecting the portable service interface to the online center and a second communications link connecting the portable service interface with the in-field product to complete a connection between the in-field product and the online center through the portable service unit. Initially, as is shown clearly in Fig. 1 of Babula et al., and described throughout Babula et al., if the field service unit 24 is portable, it is

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certainly not connected with first and second communications links as called for in claim 1. The Examiner states that the first and second communications links serve to complete a connection between the in-field product and the on-line center and cites remote access network 80 of Figure 1 for both the first and the second connection. Remote access network 80 is labeled as "Net" and is described as a general Network connection. Figure 1, Col. 7, lns. 4-5. The connection between unit 24 and remote access network 80 is represented by a single line and does not intersect any lines representing any other connections. Therefore, the Examiner's own citation contradicts the Examiner's assertion because a single connection to a single destination, remote access network 80, cannot represent both a first and a second connection. Furthermore, the single connection between unit 24 and remote access Network 80 can, in no way, be construed to "complete a connection between the in-field product and the online center through the portable service interface." This is further exemplified by the fact that Figure 1 shows each in-field unit, e.g. 26, 28, 60, etc., having a connection to Net 80 that in no way requires involvement of unit 24. For this and all the previously stated reasons, Applicant believes claim 1 to be patentably distinct from the art of record. Also, Applicant believes claims 2-9 to be in condition for allowance pursuant to the chain of dependency.

Regarding the Examiner's rejection of claim 10, Applicant respectfully disagrees. The Examiner states that Babula et al. "teaches a method of providing remote service communication between an on-line center and an in-field product at a customer site where the in-field product is not readily capable of direct communication with the on-line center." However, in the Examiner's rejection of claim 1 the Examiner contradicts this

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statement by correctly stating that "Babula et al. does not explicitly teach an in-field product that is not readily capable of direct communication with the on-line center."

Furthermore, as addressed in the discussion of claim 1, Babula et al. does not teach the use of a portable service interface. As previously discussed, Babula et al. does not teach using unit 24 as an "interface." The Examiner cites various sections of Babula et al., including the previously discussed Figure 1, to support the rejection. However, Figure 1 has already been shown to teach away from the present invention because it teaches direct communication via Net 80. Babula et al. does not teach the use of a portable service interface.

Also, claim 10, in part, calls for "interfacing between the on-line center and the in-field product with the portable service interface." Nowhere does Babula et al. teach the portable service interface to be interfacing between the on-line center and the in-field product. Again, Figure 1 of Babula et al. teaches directly away from this by showing the in-field items directly connected to the Net, 80, which is directly connected to the on-line center, 22. Again assuming arguendo that unit 24 can be construed as a portable service interface, Babula et al. clearly teaches that it be connected peripherally. In no way can unit 24 be construed as interfacing between the on-line center and the in-field product. Such is not necessary since unit 24 interfaces directly with the in-field products through Net 80. It does not require the use of a portable service interface to interface between online center and the in-field product, as does the presently claimed invention. For all of the above reasons, Applicant believes claim 10 to be patentably distinct. Accordingly,

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Applicant believes claims 11-20 to be in condition for allowance pursuant to the chain of dependency.

Regarding the Examiner's rejection of claim 21, the Examiner states that "[c]laim 21 contains similar limitations corresponding to the method claimed in claim 10 and 11; therefore claim 21 is rejected under the same rationale." As such, Applicant incorporates all relevant distinctions previously stated and accordingly, believes claim 21 to be patentably distinct. However, claim 21 calls for subject matter that is not included in claim 10 or 11 and accordingly, requests the Examiner to perform an examination of claim 21. Applicant is entitled to an examination of all claims, and since claim 21 is not a mirror image of any other claim, any further office action is requested to be in non-final form.

Claim 21, in part, calls for a portable service interface and "from the portable service interface, selecting at least one servicing function available from the on-line center resulting in at least one of the following: interfacing the in-field product with the on-line center through the portable service interface to conduct a diagnostic evaluation of the in-field product; downloading information to the in-field product from the on-line center through the portable service interface; and displaying one of the diagnostic evaluations and the downloaded information on the portable service interface as a result of the selecting step." This subject matter is not incorporated in claim 10 or 11. Furthermore, Babula et al. does not teach nor suggest these limitations.

Additionally, claim 21 specifically calls for "interfacing the in-field product with the on-line center through the portable service interface." Figure 1 of Babula et al.

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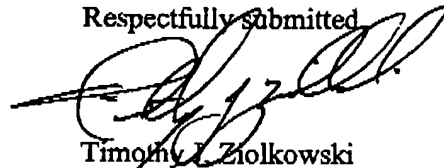
teaches away from this by showing the in-field items are connected directly to the on-line center through the Net, 80. Again assuming arguendo that unit 24 can be construed as a portable service interface, Babula et al. clearly teaches that it be connected peripherally. In no way can unit 24 be construed to be interfacing the in-field product and the on-line center through itself.

For these reasons, Applicant believes claim 21 to be patentably distinct. Therefore, Applicant believes claims 22-24 to be in condition for allowance pursuant to the chain of dependency.

Therefore, in light of the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-24.

Applicant appreciates the Examiner's consideration of these Remarks and/or Amendments and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted



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